

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

Hearing date: Apr 3, 2018  
Hearing time: 11:00 a.m.

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In re:

Chapter 7

Case No. 15-44087 cec

JACQUELINE BROOKS,  
a/k/a Jacqueline Staine,

Debtor.

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**NOTICE OF MOTION TO REOPEN CASE**

**PLEASE TAKE NOTICE** that pursuant to the application of Jacqueline Brooks, the debtor herein, by her attorney, Allan R. Bloomfield, made the 22<sup>nd</sup> day of February 2018, the debtor will move this Court before the Hon. Carla E. Craig, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, located at Courtroom 3529, 271-C Cadman Plaza East, Brooklyn, New York 11201 on the 3rd day of April 2018 at 11:00 a.m. or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. 350(b), reopening the Debtor's closed case to permit the debtor to add a priority creditor to her Schedule E and creditors to her Schedule F and for such other and further relief as to this Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers must be in writing, must set forth the specific grounds for objections and must be filed

with the Court and served on the undersigned for receipt no later than five (5) days before this motion is noticed to be heard.

Dated: February 22, 2018

/s/ Allan R. Bloomfield  
Allan R. Bloomfield  
Attorney for Debtors  
118-21 Queens Blvd., #617  
Forest Hills, New York 11375  
(718) 544-0500

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Debtor.

**APPLICATION**

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The application of the debtor, Jacqueline Brooks, by her attorney, Allan R. Bloomfield, alleges as follows:

1. The debtor commenced this case under Chapter 7 of the Bankruptcy Code on September 2, 2015. The case was assigned to Hon. Carla E. Craig, United States Bankruptcy Judge. Alan Nisselson, Esq., was appointed as case trustee and on December 9, 2015 he filed a Report of No Distribution. An order of discharge was entered on December 9, 2015 and the case was closed on December 10, 2015.

2. This is a motion to reopen the within Chapter 7 bankruptcy case to permit the debtor to add a priority creditor to her Schedule E and creditors to her Schedule F.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction pursuant to 28 U.S.C. §1334, 28 U.S.C. §1331, 28 U.S.C. §157, 11 U.S.C. §105, 11 U.S.C. §524. Declaratory relief is available pursuant to 28 U.S.C. §§2201 and 2202.

4. Venue is properly laid in this district pursuant to 28 U.S.C. §1409.
5. This matter is a core proceeding.

### **FACTUAL ALLEGATIONS AND BACKGROUND**

6. One creditor that the debtor seeks to add is the Internal Revenue Service, which has not responded to claims that the non-priority portion of the debts were nevertheless discharged and are now making efforts to collect from the debtor both the priority portion and the non-priority portion. The debtor recognizes the right of the IRS to collect the priority part of the debt, but wishes to have the non-priority portion removed from her obligations with the IRS. Also, the New York State Workers' Compensation Board was left off of the original schedules.

7. Section 350(b) of the Bankruptcy Code provides that "a case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause."

8. It would be in the interest of justice to reopen this case and allow the debtor to proceed with the actions described and she so moves the Court for such relief and for such additional relief as the Court may deem just and proper.

9. It is not necessary to reappoint a trustee, as this action is not related to an asset that would have been part of the estate.

### **WAIVER OF MEMORANDUM OF LAW**

10. Inasmuch as this Application presents no novel issues of law and the authorities relied upon by the movant are set forth herein, movant respectfully requests that the Court waive the requirement of E.D.N.Y. LBR 9013-1 for the filing of a separate memorandum of law in support of this Application, but movant reserves the right to file a brief in reply to any objection to this Application.

### **NO PRIOR REQUEST**

11. No previous application for the relief requested herein has been made to this or any other Court.

### **NOTICE**

12. Notice of this Application will be given to (i) the case trustee; (ii) the United States Trustee; (iii) all parties listed on the original mailing matrix; (iv) the two entities that filed notices of appearance in the original case; and (iv) the Internal Revenue Service and the New York State Workers Compensation Board.

13. A copy of the proposed order is attached hereto as Exhibit A.

WHEREFORE, the Debtor respectfully requests that the Court re-open this case to allow debtor to file amendments to Schedules E and F as

noted above; and grant such other and further relief as this Court deems just and proper.

Dated: Forest Hills, New York  
February 16, 2018

/s/ Allan R. Bloomfield  
Allan R. Bloomfield  
Attorney for Debtor  
118-21 Queens Blvd., Suite 617  
Forest Hills, New York 11375  
718 544-0500

EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 14-44087 cec  
Chapter 7

JACQUELINE BROOKS,  
a/k/a Jacqueline Staine,

Debtor.

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### **ORDER REOPENING CASE**

Application having been made to this Court by Notice of Motion dated February 22, 2018 by Jacqueline Brooks, the debtor herein, by her attorney, Allan R. Bloomfield, for an Order pursuant to 11 U.S.C. Section 350(b) to reopen this case in order to file amendments to Schedule E and Schedule F; and a hearing having been held on April 3, 2018; and after due deliberation; it is hereby

ORDERED, that this case be and it hereby is reopened; and it is further

ORDERED, that the Debtor shall file the relevant amendments within 14 days of the entry of this Order; and it is further

ORDERED, that if the relevant amendments are not filed within 14 days, then this bankruptcy case may be re-closed after 14 days from the entry of this Order.